IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.18 OF 2007

Mrs Apurva Ajit Deshpande ...Applicant

Versus

Ajit Sudhakar Deshpande ...Respondent

Ms Sonali S. Pimpale for the Applicant.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 09, 2007.

P.C.:

1. Heard Advocate for the Applicant. The Applicant is the wife and the Respondent is the husband.

2. The Respondent has filed a Petition for divorce under the Hindu Marriage Act, 1955 which is pending in the Family Court at Pune. The prayer in this Application is for transferring the said Petition to the Court of the learned Civil Judge Senior Division at Nasik. Grounds on which transfer is sought can be summarised as under:

(i) The Applicant is a resident of Nasik and she is not in position to attend the Family Court at Pune;

(ii) The Applicant is required to undertake journey by bus which takes about five to six hours for attending the Family Court at Pune. The Applicant has no friends or relatives at Pune and therefore she has no arrangement to stay overnight at Pune;

(iii) The Applicant’s parents are unable to accompany her to Pune and

(iv) She is not in position to incur expenses for attending the Family Court at Pune.

3. The office noting shows that rule has been already served to the Respondent. None appears for the Respondent.

4. There is no challenge to the averments made in the Application. Therefore, the factual assertions made in the Application will have to be accepted and Application will have to be allowed.

5. Hence, I pass the following order:

(i) Petition No.PA-819 of 2006 pending in the Family Court at Pune is hereby transferred to the Court of the learned Civil Judge Senior Division at Nasik.

(ii) The Family Court at Pune will transfer the record of the Petition to the Court at Nasik within period of two weeks from the date on which an authenticated copy of this order is produced before the Family Court.

(iii) After receiving the papers, the learned Civil Judge Senior Division, Nasik will issue notice to both the parties of the date fixed for hearing.

(iv) There will be no orders as to costs.

(v) Parties and concerned courts to act upon an authenticated copy of this order.

JUDGE